

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14561 of James F. and Beryl L. Coley, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Paragraph 7106.11 to continue to use the ground floor of the premises as a dental office in an R-4 District at premises 500 - 8th Street, N.E., (Square 892, Lot 60).

HEARING DATE: February 25, 1987

DECISION DATE: February 25, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject application appeared on the preliminary agenda of the public hearing of February 25, 1987. The affidavit of posting was filed one day prior to the public hearing instead of five days as required under the BZA Supplemental Rules of Practice and Procedure. The Chairman waived the Rules since the property had been duly posted and there was no opposition to proceeding to the merits of the the application.

2. The subject site is located on the northwest corner of the intersection of 8th and E Streets and is known as premises 500 - 8th Street, N.E. It is in an R-4 District.

3. The site is rectangular in shape. It measures 23.5 feet in width and 28.1 feet in depth. The site is improved with a semi-detached brick dwelling of two stories and a basement. The first floor contains a two bedroom apartment and the second floor contains a one bedroom apartment. The entrances to these residential units are from E Street. The entrance to the basement of the premises is on the eastern side of the structure facing 8th Street.

4. In BZA Order No. 14097, dated May 22, 1984, the Board granted a special exception to use the subject basement as a dental office subject subject to conditions. A certificate of occupancy was issued for such use. The applicants now seek a special exception to continue the use as a dental office. BZA Order No. 14097 is incorporated herein by reference.

5. Prior to BZA Order No. 14097, the premises were used as a bookkeeping office which is first permitted in a C-1 District. The dental office is also first permitted in a C-1 District.

6. The use and operating characteristics of the dental office are identical to that previously approved by the Board.

7. There have been no changes in the development and character of the immediate neighborhood since the Board's previous decision.

8. The Capitol Hill Restoration Society, by letter dated February 19, 1987, supported the application subject to the conditions imposed by the Board's prior order.

9. A representative of the Office of Planning testified at the public hearing in support of the application subject to the conditions imposed by the Board's prior order.

10. The record contains one letter in opposition to the application. That letter does not address the use of the specific property subject to this application.

11. Advisory Neighborhood Commission 6A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:


Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Paragraph 7106.11 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property. The Board concludes that the applicants have met the burden of proof. The use is first permitted as a matter-of-right in a C-1 District. The use is of low intensity and will not create any deleterious external effects. The proposed use is a neighborhood facility. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to one dentist, the applicant James F. Coley.
2. The hours of operation of the dentist's office shall not exceed from 4:30 P.M. to 7:00 P.M., Monday through Friday and 9:30 A.M. to 12:30 P.M. on Saturday.

VOTE: 3-0 (John G. Parsons, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris and Paula L. Jewell not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 10 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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